

EXHIBIT 1

Apple's Opening Statement

Personalized Media Communications, LLC v. Apple Inc.

Case No. 15-cv-01366-JRG-RSP

Case: 18-2390 Document: 89 Page: 1 Filed: 06/01/2021

United States Court of Appeals
for the Federal Circuit

GILBERT P. HYATT,
Plaintiff-Cross-Appellant

v.

ANDREW HIRSHFELD, PERFORMING THE
FUNCTIONS AND DUTIES OF THE UNDER
SECRETARY OF COMMERCE FOR
INTELLECTUAL PROPERTY AND DIRECTOR OF
THE UNITED STATES PATENT AND TRADEMARK
OFFICE,
Defendant-Appellant

2018-2390, 2018-2391, 2018-2392, 2019-1038, 2019-1039,
2019-1049, 2019-1070

Appeals from the United States District Court for the
District of Columbia in Nos. 1:05-cv-02310-RCL, 1:09-cv-
01864-RCL, 1:09-cv-01869-RCL, 1:09-cv-01872-RCL, Sen-
ior Judge Royce C. Lamberth.

Decided: June 1, 2021

ANDREW M. GROSSMAN, Baker & Hostetler LLP, Wash-
ington, DC, argued for plaintiff-cross-appellant. Also rep-
resented by MARK W. DELAQUIL, JASON F. HOFFMAN.

THOMAS W. KRAUSE, Office of the Solicitor, United

that arose during the course of the delay. *Id.* The Court held that, by delaying to “mak[e] the term of the monopoly square with the period when the commercial profit from it would have been highest,” Woodbridge “forfeit[ed] the right to a patent by designed delay.” *Id.* at 56. The Court reasoned that

[a]ny practice by the inventor and applicant for a patent through which he deliberately and without excuse postpones beyond the date of the actual invention, the beginning of the term of his monopoly, and thus puts off the free public enjoyment of the useful invention, is an evasion of the statute and defeats its benevolent aim.

Id. at 56.

Hyatt v. Hirshfeld, No. 2018-2390, 2021 WL 2197394, at *9 (Fed. Cir. June 1, 2021)

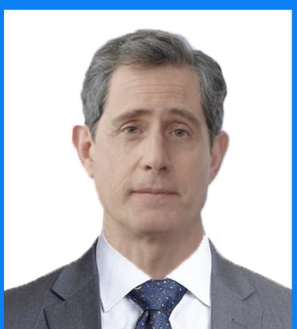
Witnesses



Anthony Wechselberger
Apple Expert



Dr. Stephen Wicker
Apple Expert



Roger Pantos
Apple Engineer



Bud Tribble
Apple Engineer



Thomas Scott
PMC GC



John Harvey
PMC Inventor /
Chairman



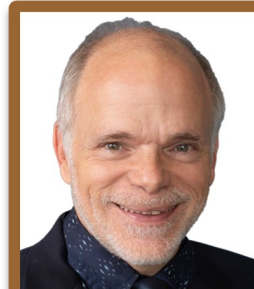
Kazie Metzger
PMC CEO



Robert Caird
(Former) PMC Sr. VP of
Corporate Development



Stephen McCandless
(Former) PMC
Sr. VP of Finance



Dr. Samuel H. Russ
PMC Expert



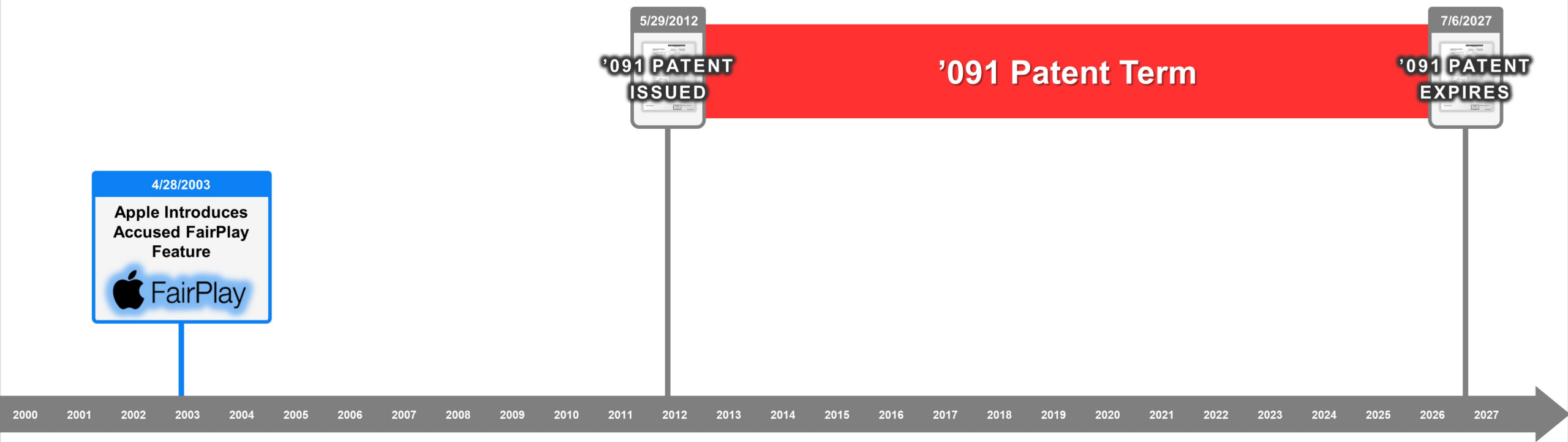
Gerald Holtzman
PMC President

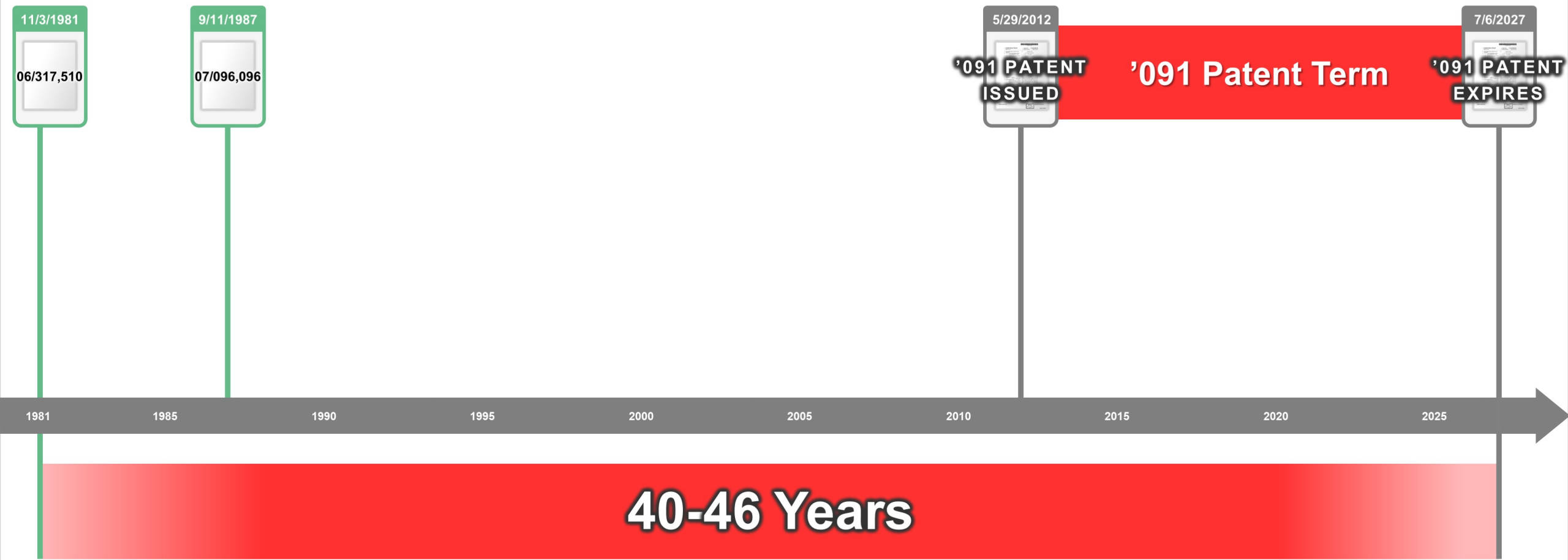


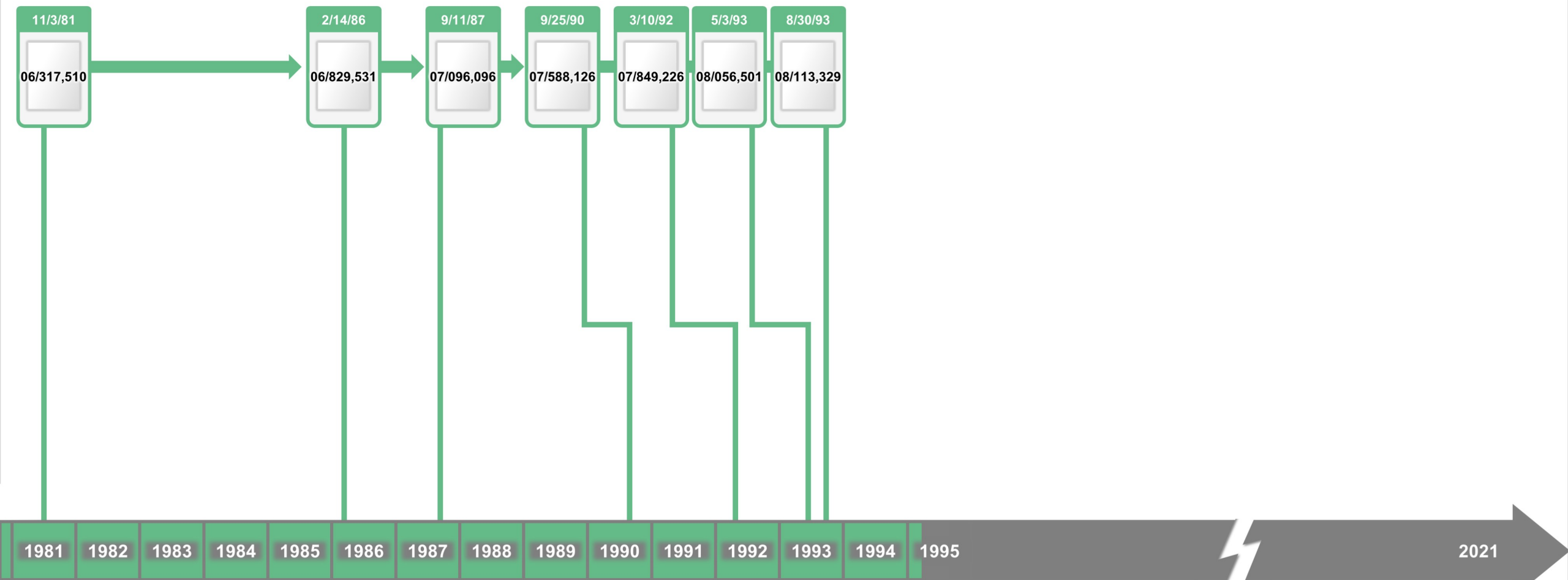
Boyd Lemna
PMC Senior VP

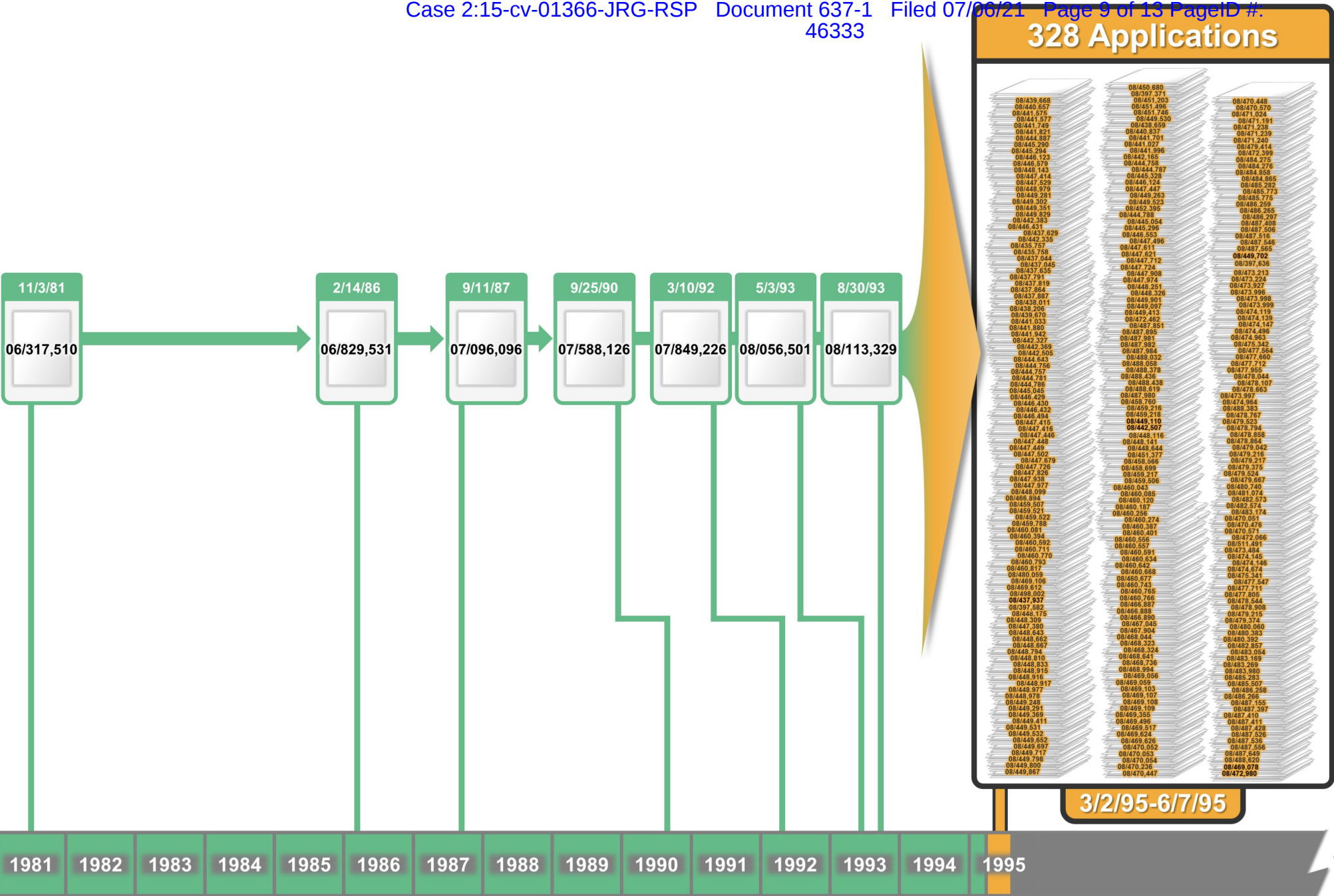


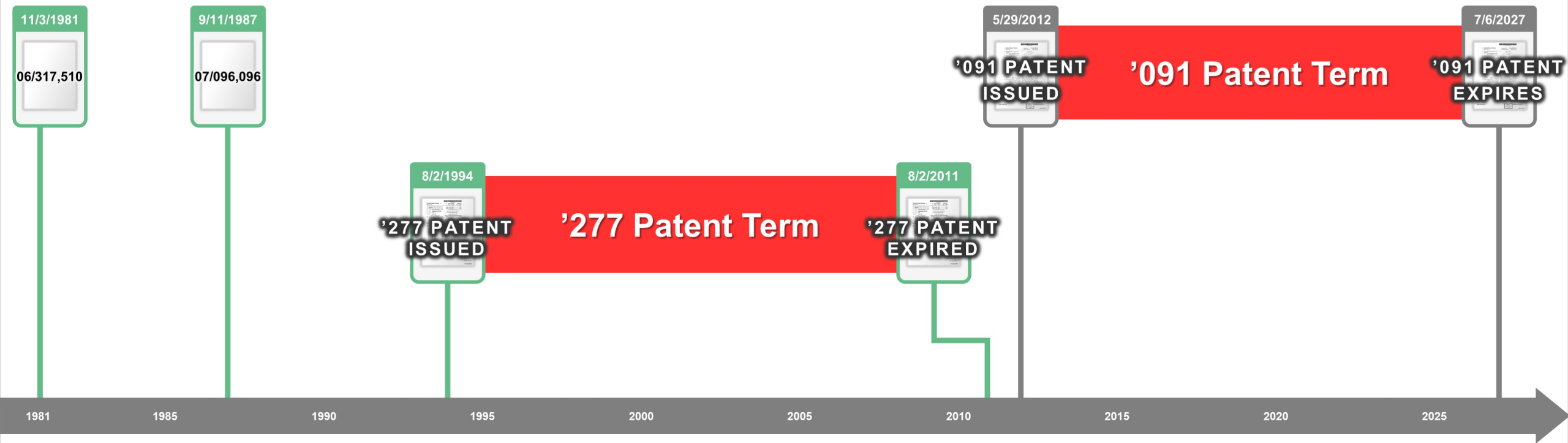
File date: June 7, 1995
Application No.: 08/485,507











Strategy for Prosecuting Pending Patents in the United States

* * *

By prosecuting the separate inventions serially rather than simultaneously, the patent owner achieves a portfolio of patent coverage that provides protection for considerably longer than seventeen years because the the various patents issue gradually over time and the seventeen term of each patent begins on its issue date.

DTX-89 at 6-7

The Company believes that it can continue to prosecute broad claims on all its technologies, including PTV, PPrint, PRadio, and its communications metering and broadcast-oriented parallel processing systems, for years to come. Its strategy is to prosecute coverage on its technologies deliberately over time in such a way that broad coverage is in effect at any given time while the duration of coverage is prolonged as long as possible.

DTX-89 at 7

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JCH Draft 10/22/90
[file name: Patents.1]

PATENTS AND OTHER INTELLECTUAL PROPERTY PROTECTION

The Company believes that patent protection is important to its business. To date the Company has received three U.S. patents. These cover focal aspects of PTV, PPrint, PRadio, and the Company's broadcast-oriented parallel processing and communications metering technologies. Other U.S. and foreign patents are pending.

The Company's first patent application (the "1981 Application") was filed in the U.S. Patent and Trademark Office on Nov. 3, 1981. The 1981 Application disclosed many inventions. To date, two patents have resulted: U.S. Patents No. 4,694,490 and 4,704,725. The Patent Office's examination of these initial patents was very thorough. Nearly six years elapsed between the 1981 filing and the issuance of the first patent in 1987. (The average patent issues in thirty months.) Before allowing the first patent, the Patent Office examiner conducted four separate searches of the Patent Office files. (The average patent issues on the basis of one search.)

On Sept. 11, 1987, an additional application (the "1987 Application"), which totaled 557 pages, was filed in the U.S. Patent Office to elaborate on and extend the inventions disclosed in the 1981 Application. The 1987 Application was filed as a "continuation-in-part" to the 1981 Application. This means that inventions described in the 1987 Application that were previously disclosed in the 1981 Application—and many were—take the precedence of the 1981 filing date in the United States. To date, one patent has resulted: U.S. Patent No. 4,965,852 which issued on Oct. 23, 1990.

Further patent protection is pending. The Company believes that it is likely to receive many more U.S. patents covering inventions disclosed in the 1981 and 1987 Applications.

Under the terms of the Patent Cooperation Treaty, the Company has filed versions of the 1987 Application in Japan, the European Patent Office, and Australia with an effective date of September 11, 1987. The European Patent protection sought by the Company covers Austria, Belgium, the Federal Republic of Germany, France, Italy, Luxembourg, the Netherlands, Sweden, Switzerland, and the United Kingdom.

The part of a patent that specifies what the patent

- 22 -

Exhibit A

P90

C003808

WPMC

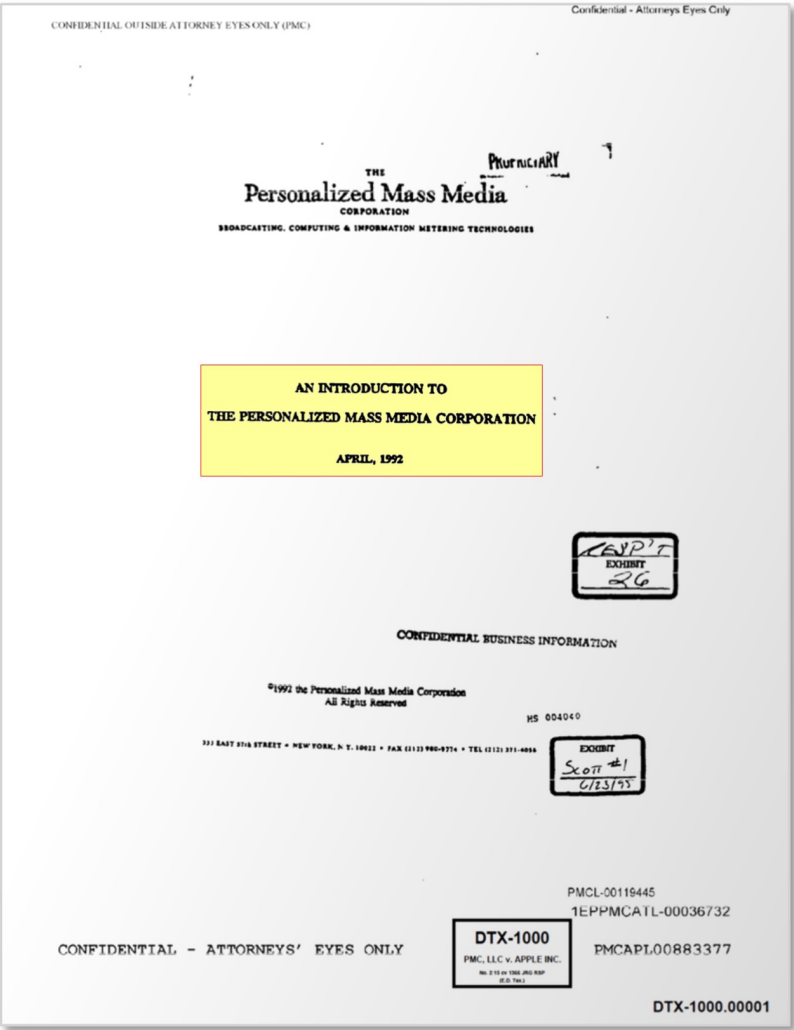
PMCA

DTX-89

PMC, LLC v. APPLE INC.

No. 2:15-cv-01366-RSP

(U.S. Dist. Ct.)



AN INTRODUCTION TO THE PERSONALIZED MASS MEDIA CORPORATION APRIL, 1992

DTX-1000.0001

PMMC Attributes and Benefits

Among the principle attributes and benefits of PMMC are:

Proprietary Position. The hardware, methods of operation, software and firmware required to implement PMM communications, automation, metering and monitoring are protected by a portfolio of patents, pending patents, proprietary know-how, business and trade secrets, market research and application descriptions covered by copyright, and the combined expertise of the management and consultants responsible to the company. Among its issued and pending patents are several that PMMC believes to be "seminal" and market defining. This position assures the Company the ability to set industry standards and protocols, define markets, assign market share, control distribution channels and extract substantial licensing fees and royalty payments.

PMMC believes that its intellectual property position will enable it to exercise far-reaching market control for as long as 30 to 50 years.

DTX-1000.0005

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